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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,867	06/19/2001	David John Gagnon	12552-367	1562
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JOHN S. BEULICK C/O ARMSTRONG TEASDALE, LLP ONE METROPOLITAN SQUARE SUITE 2600 ST LOUIS, MO 63102-2740				
EXAMINER RHODE JR, ROBERT E				
ART UNIT 3625				
PAPER NUMBER				
DATE MAILED: 05/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,867

Applicant(s)

GAGNON ET AL.

Examiner

Rob Rhode

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

The drawings filed on 6/19/2001 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 – 16 and 18 - 27 are rejected under 35 U.S.C. 102(a) as being unpatentable over "Business Edge Solutions Debuts velOSSity 3 Platform at Telestrategies OSS World 2001"; PR Newswire; New York; Feb 6, 2001 and MicroStrategy web page prints captured via the WayBackMachine (archive.org) of May 20, 2000 [hereafter collectively referred to as "MicroStrategy"].

Regarding claim 1, MicroStrategy teaches a method of communicating business information using a network-based system including at least one server coupled to a database and at least one device, said method comprising:

creating a plurality of dashboards (see at least Page 2);

storing the dashboards in the database (see at least Page 4);

populating the dashboards using information from the database (see at least Pages 4 and 17 – 22); and

providing the dashboards to a user through the device (see at least Pages 2 and 6).

Regarding claim 2, MicroStrategy teaches a method wherein providing the dashboards comprises providing the same dashboard to a plurality of users, simultaneously (see at least Pages 2, 4, 6 and 10).

Regarding claim 3, MicroStrategy teaches a method wherein populating the dashboards comprises populating the dashboard with updated information from the database (see at least Pages 2 and 4).

Regarding claim 4 and related claim 23, MicroStrategy teaches a method wherein creating a plurality of dashboards further comprises selecting filtering parameters (Pages 17 – 22).

Regarding claim 5 and related claim 13, MicroStrategy teaches a method wherein creating a plurality of dashboards further comprises selecting at least one dial for the dashboard (see at least Page 18).

Regarding claim 6 and related claims 14 and 24, MicroStrategy teaches a method wherein selecting at least one dial comprises selecting a dial that displays one of a 1st

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Shipment Fill Rate (Stock)--Standard report, a 1 st Shipment Fill Rate (Stock)--Exclude Single Line Items report, a 1 st Shipment Fill Rate (Stock)--A Items Only report, a 1 st Shipment Fill Rate (Stock)--A Items Only--Exclude Single Line Items report, a 1 st Shipment Fill Rate (Stock Unit Ship)--Standard report, a 1 st Shipment Fill Rate (Stock Unit Ship)--Exclude Single Line Items report, a 1 st Shipment Fill Rate (Stock Unit Ship)--A Items Only report, a 1 st Shipment Fill Rate (Stock Unit Ship)--A Items Only--Exclude Items report, a Number of Days to 1 st Shipment--Stock Items report, a Number of Shipments Per Order--Stock Items report, a % Lines Complete in 10 Days--Stock Items report, an Average Days To Complete Order--Stock Items report, a RGA As % Of Sales report, a Transactional Quality As % Of Sales report, an Order Placement Profile & Order Entry Productivity report, a Requests Met--Stock & Drop Ship Items report, a Requests Met--Stock Only Items report, a Requests Met--Drop Ship Items Only report, a Promises Kept--Stock & Drop Ship Items report, a Promises Kept--Stock Items Only report, a Promises Kept--Drop Ship Items Only report, a Product Quality--Percentage report, a Product Quality--DPMO report, a Product Quality--Total RMAs report, a Product Quality--Total RMA Item Quantity report, a Product Quality--RMAs Issued vs. Line Items Shipped report, a Product Quality--RMAs Issued vs. Orders report, a Product Quality--RMAs vs. Total Line Item Quantity report, and a Sales YTM Trend report (see at least Pages 17 – 22). Please note that in online methods and systems for identifying, selecting and displaying specific information that a kind/type including such specifics of the

information such as "1 st Shipment Fill Rate (Stock)--Standard report," is given little patentable weight. The phrase(s) and or word(s) are given little patentable weight because the claim language limitation is considered to be non-functional descriptive material, which does not patentably distinguish the applicant's invention from MicroStrategy. Thereby, the non-fictional descriptive material is directed only to the content of the data (. i.e. 1 st Shipment Fill Rate (Stock)--Standard report, - which is stored data) and does not affect either the structure or method/process of MicroStrategy, which leaves the method and system unchanged.

Regarding claim 7 and related claim 15, MicroStrategy teaches a method wherein selecting at least one dial comprises selecting a dial owner (Pages 21 – 22). Please note the recitations that "wherein selecting at least one dial comprises selecting a dial owner", such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other "selecting" already disclosed by MicroStrategy.

Regarding claim 8 and related claim 16, MicroStrategy teaches a method wherein selecting at least one dial comprises selecting an upper spec limit and a lower spec limit for the dial (Pages 21 – 22). Please note the recitations that "wherein selecting at least one dial comprises selecting a upper spec limit and a lower spec limit for the dial", such recitation is given little patentable weight because it imparts no structural or functional

specificity which serves to patentably distinguish the instant invention from the other "selecting" already disclosed by MicroStrategy.

Regarding claim 9 and related claim 19, MicroStrategy teaches a method wherein creating a plurality of dashboards comprises selecting a time span for the information used to generate the dashboard (Page 22). Please note the recitations that "wherein creating a plurality of dashboards comprises selecting a time span for the information used to generate the dashboard", such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other "selecting" already disclosed by MicroStrategy.

Regarding claim 10 and related claim 27, MicroStrategy teaches a method wherein creating a plurality of dashboards comprises granting viewing privileges for at least one user (Page 10). Please note that MicroStrategy does not specifically disclose regarding viewing privileges. However, the reference does on page 10 provide information that it is a method for communicating business information and that the method had numerous online users. In that regard, it is old and well known that these methods had password access and therefore one of ordinary skill in the art would have been motivated to extend MicroStrategy with the capability of granting viewing privileges for at least one user.

Regarding claim 12, MicroStrategy teaches a system wherein the at least one dashboard is stored on said at least one server (Page 4).

Regarding claim 18, MicroStrategy teaches a system wherein the at least one dashboard is selectively available through said network, said network is at least one of the Internet, an intranet, a wide area network and a local area network (Pages 4).

Regarding claim 20, MicroStrategy teaches a system wherein said at least one dashboard provides business information based on selectable parameters (Page 17).

Regarding claim 21, MicroStrategy teaches a system for communicating business information, said system comprising:

at least one device; at least one server configured to receive business information, store the business information and provide the business information; a network connecting said at least one server to said at least one device; and at least one dashboard comprising at least one dial comprising a graphic display of the business information and a drilldown data display, said dashboard generated by said server using the business information, said dashboard stored on said server after generation, said dashboard selectively available through said network for display on said device (see at least Pages 2, 4 – 13 and 21 – 22).

Regarding claim 25, MicroStrategy teaches a computer program further comprising a code segment that displays each dashboard in a standardized format (Pages 21 – 22).

Regarding claim 26, MicroStrategy teaches a computer program further comprising: a code segment that accesses the database; a code segment that searches the database regarding the specific inquiry; a code segment that retrieves information from the database; and a code segment that causes the retrieved information to be displayed on the client system (Pages 4, 17 and 21 – 22).

Regarding system claims 10 and 22, the references sections for rejecting claim 1 apply to these claims as well.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over
MicroStrategy in view of Marpe (US 6,671,693 B1).**

MicroStrategy discloses and teaches substantially the applicant's invention.

However, MicroStrategy does not specifically disclose and teach a system wherein said at least one server regenerates said dashboards on at least one of a predetermined schedule and on command.

On the other hand and regarding claim 17, Marpe teaches a system wherein said at least one server regenerates said dashboards on at least one of a predetermined schedule and on command (see at least Figures 4 and 7 - 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of MicroStrategy with the method and system of Marpe to have enabled a system wherein said at least one server regenerates said dashboards on at least one of a predetermined schedule and on command – in order to have dashboards with a scheduling. MicroStrategy teaches a method and system of communicating business information using a network-based system including at least one server coupled to a database and at least one device, said method comprising: creating a plurality of dashboards; storing the dashboards in the database; populating the dashboards using information from the database; providing the dashboards to a user through the device as well as drill down capability (Pages 2, 4 and 17 – 22). In that regard, one of ordinary skill in the art would have been motivated to extend

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MicroStrategy with the capability to have a system wherein said at least one server regenerates said dashboards on at least one of a predetermined schedule and on command. With this capability, the users satisfaction with the communication business information method and system will be enhanced - since they will be able to track scheduled items.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Smith** can be reached on **(703) 308-3588**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306

[Official communications; including

After Final communications labeled


"Box AF"]

(703) 746-7418 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.

RER


Jeffrey A. Smith
Primary Examiner